

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 39-44 are currently pending in this application.

Claim Rejections - 35 USC §103

Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication No. WO 02/065667 to Wilenegger et al. (hereinafter Willenegger), in view of U.S. Patent No. 6,400,960 to Dominique et al. (hereinafter Dominique), and further in view of U.S. Patent No. 6,711,150 to Vanghi (hereinafter Vanghi).

Seemingly the Examiner has misunderstood Applicants' disclosed WTRU and Applicants' disclosed WTRU includes a receiver for receiving uplink user data from another WTRU on an uplink DCH and at least one uplink shared channel, a processor for computing uplink DCH target metrics based on the received uplink user data on the uplink DCH used by the other WTRU and a shared channel target metric generator configured to output a respective uplink shared channel target metric derived from the computed uplink DCH target metric. Neither of the references cited by the Examiner discloses this WTRU.

As the Applicants have explained and the Examiner agrees, Wilenegger does not disclose Applicants claimed WTRU. Dominique, again, merely discloses when it

is determined that the communication channel is in DTX mode, an updated power threshold for the communication channel is calculated. As clearly indicated throughout Dominique, the manner in which the power threshold is calculated in a traditional manner. There is nothing in Dominique that suggests or teaches the derivation of an uplink shared target metric using the computed uplink DCH target metrics.

Applicants do not use the traditional means of determining the uplink SCH target metrics. As claimed, the WTRU uses the calculated target metrics of a separate channel (uplink DCH) in order to determine the target metric from an uplink SCH. As set forth in paragraph 74 of Applicants specification,

[d]ue to the sporadic and shared use nature of the HS-SICH, attempting to compute a target SIR for the HS-SICH in the conventional manner is impractical. Accordingly, the outer loop power control for the HS-SICH includes a HS-SICH target SIR derivation device to which the target SIR DCH is input and from which the SIR HS-SICH is output.

Neither Wilenegger nor Dominique discloses a shared target metric generator configured to output a respective uplink shared target metric from each computed uplink dedicated channel target metric. Vanghi does not disclose this element of Applicants WTRU either. As the Examiner makes clear, Vanghi was cited merely to teach the provision of power control for a mobile station and adjust the power based on a quality metric.

Claims 40, 41, 43 and 44 are dependent upon claims 39 and 42, and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

Conclusion


If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

Applicant: Dick et al.
Application No.: 10/688,223

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Dick et al.

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Enclosure